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## ‘Everyone signed one’: Trump is aggressive in his use of nondisclosure agreements, even in government

By **Josh Dawsey** and **Ashley Parker**

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President Trump’s bitter fight with a former top White House aide has highlighted his aggressive and unconventional use of nondisclosure agreements to prevent current and former government employees from revealing secrets or disparaging him or his family.

The latest uproar centers on claims in a book by former senior adviser Omarosa Manigault Newman that the Trump campaign offered her a \$15,000-a-month job in exchange for signing a broadly worded NDA that would have barred her from disclosing details of her time at the White House.

Trump shot back in a tweet on Monday that “Wacky Omarosa already has a fully signed Non-Disclosure Agreement” — the first apparent acknowledgment by Trump that he has used such documents as president.

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Dozens of White House aides have signed NDAs in exchange for working for Trump, who has long relied on such agreements in his business career, according to current and former administration employees. But NDAs have not been widely used by past administrations outside the transition time between presidents, in part because most legal experts believe such agreements are not legally enforceable for public employees.

Copies of Trump NDAs obtained by The Washington Post or described by current and former aides lay out breathtakingly broad prohibitions on behavior and appear to be drawn heavily from similar contracts used in the past by the Trump Organization, the president's family firm.

Under one agreement from the 2016 campaign, signers promised not to “demean or disparage publicly” Trump, his company or any member of his family — and also not to assist any other politician exploring a federal or state office.

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An agreement circulated in the White House last year barred signers from sharing any information they had learned in the building, according to several aides who signed the document.

And the agreement proposed to Manigault Newman after her firing from the White House would have forbidden her from releasing derogatory information not only about Trump and his family, but about Vice President Pence and his family as well.

The rampant use of such nondisclosure agreements underscores a culture — fostered by Trump himself — of paranoia, leaks, audio recordings and infighting that has pervaded his dealings for decades and continues into his presidency, according to current and former aides.

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“It’s the people you hire, the way they behave and the way the president treats them that creates its own NDA,” said Ari Fleischer, press secretary to George W. Bush. He praised some of the president’s policies but said “Your eyes get a lot of exercise

praised some of the president's policies but said, "Your eyes get a lot of exercise from rolling."

Manigault Newman, who is in the midst of a publicity tour for a tell-all book slated to be released Tuesday, said she refused to sign an NDA in exchange for the campaign job and has begun releasing recordings of her West Wing conversations, including one in the Situation Room, where she was fired by Chief of Staff John F. Kelly.

Manigault Newman told "PBS NewsHour" she signed previous NDAs for the Trump Organization and for the 2016 campaign but never signed one in the White House. A representative said she was unavailable for comment.

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The NDA that she declined to sign prohibited sharing information "including but not limited to the assets, investments, revenue, expenses, taxes, financial statements, actual or prospective business ventures, contracts, alliances, affiliations, relationships, affiliated entities, bids, letters of intent, term sheets, decisions, strategies, techniques, methods, projections, forecasts, customers, clients, contacts, customer lists, contact lists, schedules, appointments, meetings, conversations, notes and other communications" of "Trump, Pence, any Trump or Pence Family

member, any Trump or Pence company, or any Trump or Pence Family Member Company.”

The proposed agreement also said her nondisclosure promise would last forever, even if the agreement and payments did not.

Trump on Monday tweeted that Manigault Newman was a “lowlife” whom he kept on as a top White House employee because she flattered him publicly, even as others told him she was a problematic, truant “loser.”

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A number of White House aides were urged to sign NDAs in early 2017 by White House Counsel Donald McGahn, according to current and former aides, who requested anonymity to discuss internal West Wing deliberations. Trump was obsessed with leaks to the news media and repeatedly demanded that McGahn draft the agreement, the aides said.

Initially, McGahn told Trump he would not draft or give aides the NDAs because they were not enforceable, White House officials said. But in the end, McGahn created a document that said aides would not divulge any confidential or nonpublic information to any person outside the building at any time, according to three people who signed it.

The process, like much in the West Wing, was haphazard. Dozens of senior aides signed the documents, but some were assuaged before signing by McGahn, who said they were unenforceable. Others, however, said they were never given documents to sign.

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Aides no longer are asked to sign when joining the administration, according to current and former officials. McGahn did not respond to a phone message and email seeking comment.

Trump was pleased with the agreements, which he saw as a continuation of his business practices. In an April 2016 interview with The Post, Trump said he supported making federal employees sign NDAs.

“I think they should,” Trump said. “. . . When people are chosen by a man to go into government at high levels and then they leave government and they write a book about a man and say a lot of things that were really guarded and personal, I don’t like that.”

But the use of such agreements is seen as highly unusual by experts outside Trump’s White House.

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“The NDAs of which the president is fond cannot help control the backbiting, turmoil and mistrust that roils this White House,” said Bob Bauer, a professor at New York University Law School, who served as White House counsel under President Barack Obama. “In fact, his futile resort to these documents is a symptom of the very problem he is trying to solve — and that he is responsible for creating.”

Fleischer said Bush aides weren’t asked to sign such agreements unless they saw highly classified, sensitive information.

Aides to House Speaker Paul D. Ryan (R-Wis.) and Senate Majority Leader Mitch McConnell (R-Ky.) said they had never been asked to sign a nondisclosure agreement. Numerous GOP staffers elsewhere on Capitol Hill said the same.

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“I have never heard of anyone being asked to sign one,” said Dan Pfeiffer, a former spokesman for Obama.

“It would be unthinkable,” said David Axelrod, Obama’s former counselor.

Mark Zaid, a longtime national security lawyer in Washington, said he had never taken a client who had been asked to sign a document not to share information that was unclassified.

“Never even heard about it being whispered in the hallways,” Zaid said. “As far as a public employee goes, it would be unconstitutional to prevent a federal employee from discussing unclassified information post-employment.”

The use of NDAs was de rigueur during the Trump campaign, officials said.

“Everyone signed one,” said one former campaign aide.

Trump and his allies have kept a number of current and former White House aides — including ousted deputy chief of staff Katie Walsh, personal bodyguard Keith Schiller and former spokesman Sean Spicer — on the payroll of affiliated groups, from the 2020 reelection campaign to a super PAC. Johnny McEntee, the personal aide who spent more than a year by Trump’s side before being fired for online gambling, is now a campaign employee. Continuing to pay employees often discourages them from sharing negative information about the employer.

Schiller left the White House in September, before landing a contract with the Republican National Committee for \$15,000 a month. As of June 30, Schiller’s security company, KS Global Group, had received a total of \$150,000, according to Federal Election Commission filings.

Schiller signed a nondisclosure agreement as part of his work with the RNC, according to one person familiar with the agreement. But Ryan Mahoney, the communications director for the RNC, said such agreements are routine and a long-

standing practice.

Disgruntled former employees, however, have proved more dangerous to Trump.

Manigault Newman is believed to have dozens of recordings, and West Wing aides have long suspected other colleagues of recording conversations with the president and each other to deploy for personal gain.

Michael Cohen, Trump's former personal attorney, also recorded roughly one hundred private conversations, including at least one with Trump, which have now been seized by federal investigators.

Manigault Newman said Sunday on NBC's "Meet the Press" that she viewed the recordings she made as a personal insurance policy in "a White House where everybody lies."

"The president lies to the American people," she said. "You have to have your own back because otherwise, you'll look back and you'll see 17 knives in your back."

At one point in the Situation Room firing, Manigault Newman asked whether she was being "taped," according to two people with knowledge of the encounter, who requested anonymity to describe the confidential meeting.

"I don't consent to being taped," she said, even as she clandestinely taped the meeting herself, the people said.

They said that Stefan Passantino, a White House lawyer who was present, responded by telling Manigault Newman that she was not being taped — and adding that he did not want to be taped either.

A representative for Manigault Newman did not respond to a request for comment.

*Robert Costa, Anu Narayanswamy and Robert O'Harrow Jr. contributed to this report.*

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